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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,761	09/10/2003	Christopher G. Walls	3962 P 023	4840

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,761

Applicant(s)

WALLS ET AL.

Examiner

Gary Estremsky

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 15 and 24 is/are allowed.
- 6) ☒ Claim(s) 11, 16, 17, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 12-14 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 16, 17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 186,018 to Ransom.

Ransom '018 teaches Applicant's claim limitations including :a "first member" - left spindle half as shown in Fig 2, a "first leg" - g', extending from the "base" - round cylindrical end at a and f as shown in Fig 3, "second leg extending from the base" - portion of e extending downwardly as shown in Fig 2, where the 'second leg' of the reference does not extend as far (rightwards in the case of the 'first member') it fully teaches limitation of "being recessed relative to the first leg", a "second member" - the other spindle half as shown in Fig 2, having a "first leg" - g', and a "second leg" - portion of e extending upwardly.

As regards claims 16 and 17, it's noted that part g of the reference is described as a 'rivet' but that claims do not positively recite a "set screw" as part of the invention.

3. Claims 11, 16, 19, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,883 to Livingston.

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As regards claim 11, Livingston '883 teaches Applicant's claim limitations including : a "first member" - left spindle half, "having a base" - the portion received by the handle, a "first leg" - the first or left (as shown) portion of the dog-leg-shaped spindle half extending from the portion received by the handle, and a "second leg" - the right portion of the dog-leg shaped spindle half, a "second member" - the right (as shown) spindle half, "having a base" - the portion received by the handle, a "first leg" - right portion of the dog-leg shape, and a "second leg" - the left portion of the dog-leg shape wherein the illustrated arrangement explicitly illustrates the arrangement described by the last clause of the claim.

As regards claims 22, 23, Livingston '883 teaches Applicant's claim limitations including : a "first member" - left spindle half, "having a base" - portion received by the left (as shown) handle, and a "sidewall" - the mating surface (to the other spindle half) wall of the left portion of the dog-leg shaped spindle half, "second elongate member" - the right spindle half, "having a base" - the portion received by the right handle, and a "sidewall" - the mating surface (to the other spindle half) wall on the left portion of the dog-leg spindle half. The right half of the dog-leg shaped first spindle half contacts the right half of the second spindle half to form a "seam" and the left portions of each spindle half contact to form a "wall having a centerline" where "the seam is generally parallel to and spaced from the centerline" as shown in the top Figure.

As regards claim 23, similar consideration applies to left halves forming a "seam" that is generally internal to the assembly and right halves forming an 'outer wall having a centerline'.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 186,018 to Ransom in view of U.S. Pat. No. 472,725 to Burgess.

While Ransom '018 describes part g as a rivet, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the knob using a set screw as taught by Burgess '725 for example so that the knob could be readily removed if desired. Examiner takes Official Notice that rivets and screws are well known to be generally equivalent in the art for their utility as fasteners. One of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification would not otherwise affect function of the spindle and knob assembly.

Allowable Subject Matter

6. Claims 1-10, 15 and 24 are allowed.

7. Claims 12-14 and 20 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten to include all limitations of the base claim and any intermediate claims.

Response to Arguments

Applicant's arguments filed with the amendment have been fully considered but are not entirely persuasive. The limitation upon which Applicant apparently relies ('X leg of the Y member being recessed relative to the Y leg of the Y member') is phrased broadly and has not patentably distinguished from well known structure of the prior art. The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789. Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). In the present case, terminology such as "member", "leg", "seam", "sidewall", etc. must be interpreted broadly as they are broadly used in the prior art. Since there is little specific geometry/structure that must be associated with use of these terms in themselves, the rejected claims are broad.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

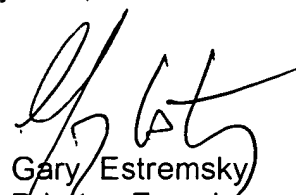
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky
Primary Examiner
Art Unit 3676